



General Assembly

Substitute Bill No. 5565

February Session, 2004

* _____ HB05565JUD _____ 032204 _____ *

**AN ACT CONCERNING THE POWER OF MUNICIPALITIES TO
ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-128 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 Within a reasonable time after its approval of the redevelopment
4 plan as [hereinbefore] provided in section 8-127, the redevelopment
5 agency may proceed with the acquisition or rental of real property by
6 purchase, lease, exchange or gift. The redevelopment agency may
7 acquire real property by eminent domain with the approval of the
8 legislative body of the municipality and in accordance with the
9 provisions of sections 8-129 to 8-133, inclusive, and this section,
10 provided only vacant, abandoned or unimproved real property may be
11 acquired by eminent domain if the resulting project will be privately
12 owned or controlled. The legislative body, in its approval of a project
13 under section 8-127, shall specify the time within which real property
14 is to be acquired. The time for acquisition may be extended by the
15 legislative body in accordance with section 48-6 [] upon request of the
16 redevelopment agency, provided the owner of the real property
17 consents to such request. Real property may be acquired previous to
18 the adoption or approval of the project area redevelopment plan,
19 provided the real property acquired shall be located within an area

20 designated on the general plan as an appropriate redevelopment area
21 or within an area whose boundaries are defined by the planning
22 commission as an appropriate area for a redevelopment project, and
23 provided such acquisition shall be authorized by the legislative body.
24 The redevelopment agency may clear, repair, operate or insure such
25 property while it is in its possession or make site improvements
26 essential to preparation for its use in accordance with the
27 redevelopment plan.

28 Sec. 2. Subsection (a) of section 8-193 of the general statutes is
29 repealed and the following is substituted in lieu thereof (*Effective from*
30 *passage*):

31 (a) After approval of the development plan as provided in this
32 chapter, the development agency may proceed by purchase, lease,
33 exchange or gift with the acquisition or rental of real property within
34 the project area and real property and interests therein for rights-of-
35 way and other easements to and from the project area. The
36 development agency may, with the approval of the legislative body,
37 and in the name of the municipality, acquire by eminent domain real
38 property located within the project area and real property and interests
39 therein for rights-of-way and other easements to and from the project
40 area, in the same manner that a redevelopment agency may acquire
41 real property under sections 8-128 to 8-133, inclusive, as if said sections
42 specifically applied to development agencies, provided only vacant,
43 abandoned or unimproved real property may be acquired by eminent
44 domain if the resulting project will be privately owned or controlled.
45 The development agency may, with the approval of the legislative
46 body, and [.] of the commissioner if any grants were made by the state
47 under section 8-190 or 8-195 for such development project, and in the
48 name of such municipality, transfer by sale or lease at fair market
49 value or fair rental value, as the case may be, the whole or any part of
50 the real property in the project area to any person, in accordance with
51 the project plan and such disposition plans as may have been
52 determined by the commissioner.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>

JUD *Joint Favorable Subst.*